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City of Rahway

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOSEPH BARAN, on behalf of himself and all others similarly situated,	:	
	:	Civil Action No. 2:12-cv-6046-PGS-LHG
Plaintiff,	:	
	:	
v.	:	NOTICE OF MOTION TO DISMISS
CITY OF RAHWAY, AMERICAN TRAFFIC SOLUTIONS, INC. AND ATS CONSOLIDATED, INC.	:	PLAINTIFF'S SECOND AMENDED COMPLAINT PURSUANT TO FED.R.CIV.P.
	:	12(b)(6)
Defendants.	:	Returnable: January 22, 2013
	:	

TO: Stephen P. DeNittis, Esq.
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PLEASE TAKE NOTICE that on January 22, 2013, at nine o'clock in the forenoon or as soon thereafter as counsel may be heard, DeCotiis, FitzPatrick & Cole, LLP, attorneys for defendant City of Rahway ("Rahway") shall move before the Honorable Peter G. Sheridan, U.S.D.J., in the United States District Court for the District of New Jersey, 402 East State Street,

Trenton, New Jersey, for an Order dismissing plaintiff's Second Amended Complaint for failure to state a claim on which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of this application, Rahway shall rely upon the accompanying brief. A proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that pursuant to L.Civ.R. 78.1, Defendant hereby requests oral argument.

Respectfully submitted,

DeCOTIIS, FITZPATRICK & COLE, LLP
Attorneys for Defendant
City of Rahway

By: *s/ Gregory J. Bevelock*
Gregory J. Bevelock

Dated: December 20, 2012

CERTIFICATION OF SERVICE

I hereby certify that on the 20th day of December, 2012 I caused the annexed Notice of Motion to Dismiss the Second Amended Class Action Complaint Pursuant to Fed.R.Civ.P. 12(b)(6) and the accompanying Brief and proposed form of Order to be served upon all counsel of record via the Court's ECF system.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 20, 2012
Teanec, New Jersey

s/Gregory J. Bevelock

Gregory J. Bevelock